IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**REVIEW PETITION (ST.)NO. 3721 OF 2007**
**IN**
**WRIT PETITION NO. 1996 OF 1993**

Bhagubai Ganpati Kamate, since deceased by her LRs :
Shri Vishnu Subhanrao Sapate .. Petitioner.

V/s.

Hussainbi Mohamudmiya Shaikh, since deceased by her LRs :

1.Mazar Husain Mahamudmiya Shaikh and Anr. .. Respondents.

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Mr.Dilip Bodake Co. for the Petitioner.

Mr.S.V.Dhakephalkar for the Respondents.

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**CORAM : S. A. BOBDE, J.**

**DATED : 17th JULY, 2007.**

**P.C. :-**

. The only submission made by the learned counsel for the review petitioner is that the petitioner is entitled to otherwise inherit the tenancy and therefore, the judgment of this court, denying the petitioner rights under the alleged will is erroneous. The petitioner is the son of the brother of the deceased Bhagubai and had claimed that he had inherited the tenancy under the will. That right of inheritance has

been negatived and accordingly, this court has observed that he has no right to claim under a bequest. Now the contention is that even apart from the bequest, the petitioner is entitled to inherit the tenancy as a matter of succession. There is no merit in this contention made for the sake of review. The petitioner's claim under a will having been negatived, he is not entitled to get claim under the general inheritance. Non consideration of an alternative case, would not constitute a mistake apparent on the face of the record of the order, a review of which is sought.

2. Petition is dismissed.

(S.A.BOBDE,J.)

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